



School District of Philadelphia  
Office of Environmental Management & Services  
440 North Broad Street  
Philadelphia, PA 19130  
(215) 400-4750

*Transmitted via Electronic Mail*

Ms. Kyla L. Townsend-McIntyre  
U.S. Environmental Protection Agency, Region III  
Pesticides/Asbestos Programs and Enforcement Branch (3WC32)  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: Self Disclosure Agreement - AHERA  
Smith Academics Plus School ULCS #2440

Dear Ms. Townsend-McIntyre

As part of the School District of Philadelphia agreement, effective March 9, 2007 and amended January 18, 2008 with the United States Environmental Protection Agency (EPA), this letter is intended to transmit and certify the Corrective Action Plan (CAP) for the Smith Academics Plus School.

This Disclosure Report was written in accordance with the above noted agreement and the "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 Federal Register 19618 (4/11/00) (the Policy).

As the Responsible Official, I hereby certify that the attached report entitled *CAP – Smith Academics Plus School ULCS #2440* submitted to EPA is true, accurate and complete in the form set forth in 40 C.F.R. § 270.11(d).

If you have any questions or comments please feel free to contact me or Ms. Elizabeth Gutman, Esq.

Sincerely,

A handwritten signature in cursive script that reads "Francine Locke".

Francine Locke, MS  
Director, Environmental Management & Services

Attachment 1 – *CAP – Smith Academics Plus School ULCS #2440*

SELF AUDIT DISCLOSURE REPORT CORRECTIVE ACTION PLAN

Updated as of: April 29, 2008

Facility Name: Smith Elementary School #2440  
Facility Address: 1900 Wharton Street, Philadelphia, PA 19146  
Date of Audit: 03/04/08  
Date CAP submitted to EPA: 5/3/08

Finding Number	Regulatory Citation	Finding	Corrective Action	Corrective Action Status (include date when closed)	Preventative Measure	Preventative Measures Status (include date when closed)	Extension Filed (Y/N)	Exhibit Reference	Approximate Cost to Close Finding	Potential Reduction of Pollutants *INCLUDE AMT OF OIL
ASBESTOS HAZARD EMERGENCY RESPONSE ACT (AHERA) PROGRAM 40 CFR § 763 Subpart E										
1	(40 CFR § 763.93(e)(9))	The school is required to maintain a schedule for completing the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections in the Asbestos Management Plan. No written schedule was identified as part of the Asbestos Management Plan.	A written schedule must be established and implemented for the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections. These schedules must be included as part of the Asbestos Management Plan.	Closed 4/29/08- A written schedule/outline was developed by Jerry Junod and Michael Cooper. A copy of this schedule was reviewed by URS. Copies have been inserted into the latest reinspection report in the Environmental Library and at the School.	Implement and track the Reinspection schedule in a compliance calendar so that the 30 day update can be tracked for the next 6 Month Periodic Surveillance Inspections and 3 Year Reinspection in 2009.	In Progress - A draft compliance calendar was created by URS for the 30 day tracking of the 6 month and 3 Year Reinspections and is currently being reviewed by the School District.	N	1	\$1,600	Record Keeping Violation
2	(40 CFR § 763.85(b))	The school is required to complete 3 Year Reinspections. Varied data gaps exist between the 1992, 1997 and 2003 Reinspections. The data gaps ranged from 1-3 months between the required 3 Year Reinspections.	The school must complete the Reinspections every 3 years. This is a historical finding as the school can not complete missing data gaps.	Historical finding. Corrective Action can not be completed.	A written schedule should be established and implemented to ensure the timely completion of the 3 Year reinspections Implement the schedule and track the 3 Year Reinspection in a compliance calendar.	In Progress - A written schedule/outline for the 6 month and 3 Year Reinspections was created by Mr. Michael Copper, AHERA Coordinator and has been incorporated into the management plan. A draft compliance calendar was created by URS for tracking the 3 Year Reinspection and is currently being reviewed by the School District. Same as preventative measure #1.	N	2	N/A	Record Keeping Violation
3	(40 CFR § 763.85(b)(1)(vii))	The regulations require that the 3 Year Reinspections records be updated within 30 days of the inspection. The most recent Reinspection Report is dated November 2006 and was available for review at the central file and the school building; however it was recently distributed and was not completed within the required 30 day time frame from the November 2006 inspection date.	The 3 Year Reinspection records must be updated within 30 days of the actual inspection. This is a historical finding.	Historical finding. Corrective Action can not be completed.	Implement and track the Reinspection date in a compliance calendar so that the 30 day update can be tracked by personnel in the central office for the next 3 Year Reinspection in 2009.	In Progress - A draft compliance calendar was created by URS for the 30 day tracking of the 3 Year Reinspections and is currently being reviewed by the School District. Same as preventative measure #1.	N	3	N/A	Record Keeping Violation
4	(40 CER § 763.94)(d)	The school is required to complete 6 Month Periodic Surveillance Inspections. Varied data gaps exist between 6 Month Periodic Surveillance Inspections 1989-2006, ranging from 1-18 months.	The school must complete Periodic Surveillance Inspections every 6 months. This is a historical finding as the school can not complete past missed inspections.	Historical finding. Corrective Action can not be completed.	A written schedule should be established and implemented to ensure the timely completion of the 6 Month Periodic Surveillance Inspections. Implement the schedule and track the 6 Month Periodic Surveillance Inspection in a compliance calendar.	In Progress - A draft compliance calendar was created by URS tracking the 6 Month Inspections and is currently being reviewed by the School District. Same as preventative measure #1.	N	4	N/A	Record Keeping Violation
5	(40 CFR § 763.91(a))	The school must maintain an Operation and Maintenance program as part of the Asbestos Management Plan. No written plan was identified for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes	Develop a written plan for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes and incorporate this document into the management plan.	Closed 4/29/08- The Asbestos Management Program for Operations and Maintenance Activities was prepared by Jerry Junod and was inserted into the latest reinspection report in the Environmental Library and at the School.	The operations and maintenance plan must be updated if there are any changes in procedures. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of plan elements changes.	In Progress - A draft compliance calendar was created by URS for the School District to perform an annual review of the Operations and Maintenance and track / update changes as needed.	N	5	\$2,400	Record Keeping Violation

Finding Number	Regulatory Citation	Finding	Corrective Action	Corrective Action Status (include date when closed)	Preventative Measure	Preventative Measures Status (include date when closed)	Extension Filed (Y/N)	Exhibit Reference	Approximate Cost to Close Finding	Potential Reduction of Pollutants *INCLUDE AMT OF OIL
6	(40 CFR § 763.94)	The preventive measures, response actions, training records, and periodic surveillances are a required part of an Asbestos Management Plan. These documents are maintained separately with no link to the Asbestos Management Plan.	The records regarding all preventive measures, response actions, training and periodic surveillance must be included in the Asbestos Management Plan. Documents could be linked to the management plan via cross reference table while incorporating the cross reference table into the management plan.	Closed 4/29/08- A Cross Reference table was prepared by URS and inserted into the latest reinspection report in the Environmental Library and at the school.	The cross reference table must be updated if there are any changes to the record keeping documents. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of record keeping changes.	In Progress - A draft compliance calendar was created by URS for the School District to perform an annual review of the Cross Reference Table and update changes as needed.	N	6	\$1,600	Record Keeping Violation



School District of Philadelphia  
Office of Environmental Management & Services  
440 North Broad Street  
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April 14, 2008

Mr. Robert L. Frazier  
Smith Academics Plus School  
1900 Wharton Streets  
Philadelphia, PA 19146

Re: Asbestos Hazard Emergency Response Act (AHERA) Environmental Compliance Audit  
Documentation Related to Corrective Action Plan

Dear Mr. Robert Frazier:

Following the AHERA Environmental Compliance Audit conducted at the Smith School on March 4, 2008 the attached documents have been prepared for inclusion into the AHERA environmental management plan at your school and at the Environmental Library located at 440 N. Broad Street.

**The following documents were prepared for the Smith School and must be inserted into the latest reinspection report (black binder) dated November 2006:**

Exhibit 1 - 3 Year Reinspection and 6 Month Periodic Surveillance Schedule/Outline

Exhibit 5 - Asbestos Management Program regarding Operations & Maintenance

Exhibit 6 - Cross Reference Table linking associated documentation to the management plan

Exhibit 7 - Annual Training Schedule for asbestos abatement workers and new employees  
(included in the Asbestos Management Program and on the Cross Reference Table)

**School Principal:**

Print Name: Robert Frazier

Sign Name: [Signature]

Date: 4/29/08

**Witnessed by:**

Title: URS

Print Name: Brian Joseph

Sign Name: [Signature]

Date: 4/29/08

**The following documents were prepared for the AHERA environmental management plan for inclusion in the central files at 440 N. Broad Street:**

Exhibit 1 - 3 Year Reinspection and 6 Month Periodic Surveillance Schedule/Outline

Exhibit 5 - Asbestos Management Program regarding Operations & Maintenance

Exhibit 6 - Cross Reference Table linking associated documentation to the management plan

Exhibit 7 - Annual Training Schedule for asbestos abatement workers and new employees  
(included in the Asbestos Management Program and on the Cross Reference Table)

**Designated Person:**

Print Name: MICHAEL COOPER

Sign Name: Michael Cooper

Date: 4/25/08

**Witnessed by:**

Title: VRS

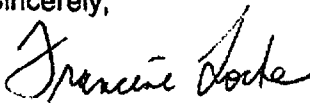
Print Name: Brian Joseph

Sign Name: Brian Joseph

Date: 4/29/08

If you have any questions or comments, please feel free to contact Francine Locke at 215-400-4750 or Jerry Junod at 215 400-6738.

Sincerely,



Francine Locke, MS  
Director, Environmental Management & Services

**School District of Philadelphia**  
**Asbestos Hazard Emergency Response Act (AHERA)**  
**Compliance Audit**

**Principal Interview Form**

The School District of Philadelphia (School District) and the U.S. Environmental Protection Agency, Region III (EPA) entered into a Self-Audit/Self Disclosure Agreement. The purpose of the agreement is to gauge the School District's compliance with the Asbestos Hazard Emergency Response Act (AHERA) requirements for your school/ facility.

The School District obtained the services of URS Corporation (URS) to conduct the AHERA environmental compliance audit. The audit will focus on the compliance of general information, inspections and reinspections, response actions, operations and maintenance, periodic surveillance, and notifications. This document acknowledges that all environmental documents relevant to the building asbestos management plan have been made available to URS at the time of the audit.

<b>School/ Facility:</b>	Smith Elementary School
<b>Address:</b>	1900 Wharton Street
<b>Date of Audit:</b>	3/4/08

**School Principal:**

**Print Name:** Robert Fanzier

**Sign Name:** 

**Date:** 3/4/08



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Ms. Kyla L. Townsend-McIntyre  
U.S. Environmental Protection Agency, Region III  
Pesticides/Asbestos Programs and Enforcement Branch (3WC32)  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: Self Disclosure Agreement - AHERA  
Smith Elementary School ULCS #2440

Dear Ms. Townsend-McIntyre

As part of the School District of Philadelphia agreement, effective March 9, 2007 and amended January 18, 2008 with the United States Environmental Protection Agency (EPA), this letter is intended to transmit and certify the Disclosure Report for the Smith Elementary School.

This Disclosure Report was written in accordance with the above noted agreement and the "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," 65 Federal Register 19618 (4/11/00) (the Policy).

As this is our initial submittal under the AHERA portion of the agreement, we request that the EPA review this document and provide comments within the next 7 days so that we can correct any gaps or deficiencies prior to the submittal of subsequent reports to the EPA.

As the Responsible Official, I hereby certify that the attached disclosure report entitled *Disclosure Report- Smith Elementary ULCS #2440* submitted to EPA is true, accurate and complete in the form set forth in 40 C.F.R. § 270.11(d).

If you have any questions or comments please feel free to contact me or Ms. Elizabeth Gutman, Esq.

Sincerely,

A handwritten signature in cursive script that reads "Francine Locke".

Francine Locke, MS  
Director, Environmental Management & Services

Attachment 1 – *Disclosure Report- Smith Elementary ULCS #2440*

## SELF AUDIT DISCLOSURE REPORT

**Facility Name:** Smith Elementary School #2440  
**Facility Address:** 1900 Wharton Street  
Philadelphia, PA 19146

**Audit Date:** March 4, 2008

**Audit Personnel:** Alisa Otteni, CPEA, URS Corporation  
Brian Joseph, URS Corporation

URS performed an Asbestos Hazard Emergency Response Act (AHERA) Environmental Compliance Audit (audit) at the Smith Elementary School in accordance with Section IV of the "Self-Audit/Self Disclosure Agreement" between the United States Environmental Protection Agency, Region III (EPA) and the School District of Philadelphia (School District), effective as of March 9, 2007. The focus of the audit was to evaluate compliance with the regulatory programs required by the "Self-Audit/Self Disclosure Agreement." The audit was conducted under the environmental regulations set forth in the "Self-Audit/Self Disclosure Agreement." URS reviewed the following programs, in accordance with the scope in Section IV B of the "Self-Audit/Self Disclosure Agreement":

1. Asbestos Hazard Emergency Response Act (AHERA): (40 CFR Part 763), Subpart E. The Asbestos Audit will determine compliance with Toxic Substances Control Act (TSCA), Subchapter II (the Asbestos Hazard Emergency Response Act or AHERA), 15 U.S.C. §§ 2641 to 2646, and the federal regulations implementing AHERA as set forth at 40 C.F.R. Part 763 Subpart E.

The audit was conducted on behalf of the School District by URS Corporation on March 4, 2008. Approximately ten days prior to the audit, the facility was provided with a tentative audit time schedule and a list of documents to gather for review during the audit.

Findings were also reviewed with regards to the following nine requirements needed in order to satisfy the EPA's Self-Disclosure Policy.

**Systematic discovery** of the violation through an environmental audit or the implementation of a compliance management system.

**Voluntary discovery** of the violation was not detected as a result of a legally required monitoring, sampling or auditing procedure.

**Prompt disclosure** in writing to EPA within 21 days of discovery or such shorter time as may be required by law. Discovery occurs when any officer, director, employee or agent of the facility has an objectively reasonable basis for believing that a violation has or may have occurred. However, the 21 day reporting requirement was waived by the EPA in accordance with this agreement policy (see section IV. C. and IV.D.2 of the agreement).

**Independent discovery and disclosure** before EPA or another regulator would likely have identified the violation through its own investigation or based on information provided by a third-party.

**Correction and remediation** within 60 calendar days, in most cases, from the date of discovery.

**Prevent recurrence** of the violation.

**Repeat violations are ineligible**, that is, the specific (or closely related) violations have occurred at the same facility within the past 3 years or those that have occurred as part of a pattern at multiple facilities owned or operated by the same entity within the past 5 years; if the facility has been newly acquired, the existence of a violation prior to acquisition does not trigger the repeat violations exclusion.

**Certain types of violations are ineligible** such as those that result in serious actual harm, those that may have presented an imminent and substantial endangerment, and those that violate the specific terms of an administrative or judicial order or consent agreement.

**Cooperation** by the disclosing entity is required.

The personnel selected for this project are experienced senior and project level staff that have completed many Environmental Compliance Audits in the past. Ms. Alisa Otteni, CPEA, the lead auditor, has managed more than two hundred multi-media environmental compliance audits throughout the United States. She has been a URS project manager for more than sixteen years. Ms. Otteni was assisted by Mr. Brian Joseph. Mr. Joseph has seven years of experience in environmental testing and inspections. Mr. Joseph is an accredited and licensed AHERA Building Inspector, Supervisor and Management Planner.

The audit included the following:

- Opening meeting with the School Principal and Building Engineer;
- Review of documentation pertaining to the scope of the audit;

- Detailed tour of specific site areas, deemed necessary by auditors;
- Closing meeting with the School Principal and Building Engineer.
- The following the School District staff attended the opening meeting on March 4, 2008:
- Mr. Robert Frazier, School Principal
- Mr. Daniel Gay, Building Engineer

The following the School District staff attended the closing meeting on March 4, 2008:

- Mr. Robert Frazier, School Principal
- Mr. Daniel Gay, Building Engineer

The Smith Elementary School consisting of grades K-8 and has approximately 500 students. The facility was constructed in the 1925 and an addition was built in 1955.

Review of AHERA documentation was conducted in the Principal's office and the Building Engineer's office. Personnel representing the various departments were interviewed during the record review.

Regulatory findings are presented below. A corrective action plan and associated exhibits are provided in a separate document titled "Self Audit Disclosure Corrective Action Plan."

## **1.0 ASBESTOS EMERGENCY RESPONSE ACT (AHERA)**

The facility was evaluated for compliance with the following regulations:

1. An up-to-date Inspection/Re-inspection schedule that complies with the requirements found at 40 C.F.R. § 763.80;
2. An up-to-date Management Plan that complies with the requirements of 40 C.F.R. § 763.93;
3. A training and periodic surveillance schedule that complies with the requirements found at 40 C.F.R. § 763.92;
4. An Operation and Maintenance plan that complies with the requirements found at 40 C.F.R. § 763.91.

5. A "Designated Person" that complies with the requirements found at 40 C.F.R. § 763.84(g);
6. A plan to provide annual notifications as required 40 C.F.R. § 763.93(g)(4); and
7. A record keeping plan that complies with the requirements found at 40 C.F.R. § 763.94.

**FINDING NUMBER: 1 (Reinspections and Periodic Surveillance)**

**Regulatory Citation:** 40 CFR § 763.93(e)(9)

**Description of Finding:** The school is required to maintain a schedule for completing the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections in the Asbestos Management Plan. No written schedule was identified as part of the Asbestos Management Plan.

**Date of Non-Compliance:** 1989 to present

**Corrective Action:** A written schedule must be established and implemented for the 3 Year Reinspections and 6 Month Periodic Surveillance Inspections. These schedules must be included as part of the Asbestos Management Plan.

**Actions to Prevent Reoccurrence:** Implement and track the Reinspection schedule in a compliance calendar so that the 30 day update can be tracked for the next 6 Month Periodic Surveillance Inspections and 3 Year Reinspection in 2009.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)

**FINDING NUMBER: 2 (Reinspections)**

**Regulatory Citation:** 40 CFR § 763.85(b)

**Description of Finding:** The school is required to complete 3 Year Reinspections. Varied data gaps exist between the 1992, 1997, and 2003 reinspections reports. The data gaps ranged from 1-3 months between the required 3 Year Reinspections.

**Date of Non-Compliance:** 1992, 1997, and 2003

**Corrective Action:** The school must complete the Reinspections every 3 years. This is a historical finding as the school can not complete missing data gaps.

**Actions to Prevent Reoccurrence:** A written schedule should be established and implemented to ensure the timely completion of the 3 Year Reinspections Implement the schedule and track the 3 Year Reinspection in a compliance calendar.

**Filed For Extension:** Yes No

**Satisfy the Nine (9) Conditions of Eligibility:** Yes No (explain)

**FINDING NUMBER: 3 (Reinspections)**

**Regulatory Citation:** 40 CFR § 763.85(b)(1)(vii)

**Description of Finding:** The regulations require that the 3 Year Reinspections records be updated within 30 days of the inspection. The most recent Reinspection Report is dated November 2006 and was available for review at the central file and the school building; however it was recently distributed and was not completed within the required 30 day time frame from the November 2006 inspection date.

**Date of Non-Compliance:** December 2006

**Corrective Action:** The 3 Year Reinspection records must be updated within 30 days of the actual inspection. This is a historical finding.

**Actions to Prevent Reoccurrence:** Implement and track the Reinspection date in a compliance calendar so that the 30 day update can be tracked by both the school and personnel in the central office for the next 3 Year Reinspection in 2009.

**Filed For Extension:** Yes    No

Satisfy the Nine (9) Conditions of Eligibility:        Yes                      No (explain)

**FINDING NUMBER: 4 (Periodic Inspections)**

**Regulatory Citation:** 40 CFR § 763.94)(d)

**Description of Finding:** The school is required to complete 6 Month Periodic Surveillance Inspections. Varied data gaps exist between 6 Month Periodic Surveillance Inspections 1989-2006, ranging from 1-18 months.

**Date of Non-Compliance:** 1989-2006

**Corrective Action:** The school must complete Periodic Surveillance Inspections every 6 months. This is a historical finding as the school can not complete past missed inspections.

**Actions to Prevent Reoccurrence:** A written schedule should be established and implemented to ensure the timely completion of the 6 Month Periodic Surveillance Inspections. Implement the schedule and track the 6 Month Periodic Surveillance Inspection in a compliance calendar.

**Filed For Extension:** Yes No

**Satisfy the Nine (9) Conditions of Eligibility:** Yes No (explain)

**FINDING NUMBER: 5 (Operations and Maintenance)**

**Regulatory Citation:** 40 CFR § 763.91(a)

**Description of Finding:** The school is required to maintain an Operation and Maintenance program as part of the Asbestos Management Plan. No written plan was identified for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes.

**Date of Non-Compliance:** 1989 to present

**Corrective Action:** Develop a written plan for operations, maintenance, and repair to address facility ACBM including cleaning, maintenance activities, and fiber release episodes and incorporate this document into the management plan.

**Actions to Prevent Reoccurrence:** The operations and maintenance plan must be updated if there are any changes in procedures. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of plan elements changes.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)

**FINDING NUMBER: 6 (Recordkeeping)**

**Regulatory Citation:** 40 CFR § 763.94

**Description of Finding:** The preventive measures, response actions, training records, and periodic surveillances are a required part of an Asbestos Management Plan. These documents are maintained separately with no link to the Asbestos Management Plan.

**Date of Non-Compliance:** 1989 to present

**Corrective Action:** The records regarding all preventive measures, response actions, training and periodic surveillance must be included in the Asbestos Management Plan. Documents could be linked to the management plan via cross reference table while incorporating the cross reference table into the management plan.

**Actions to Prevent Reoccurrence:** The cross reference table must be updated if there are any changes to the record keeping documents. A review, which is tracked on a compliance calendar, of the Asbestos Management Plan should be completed annually to identify these types of record keeping changes.

**Filed For Extension:** Yes    No

**Satisfy the Nine (9) Conditions of Eligibility:**    Yes                      No (explain)